

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GLASS MANAGEMENT SERVICES, INC.)	CASE NO. 4:09-CV-01653
)	
Plaintiff)	JUDGE DOWD
vs.)	
)	<u>INITIAL DISCLOSURES</u>
HORSEHEAD CORPORATION)	
)	
Defendant)	

Now comes the plaintiff, Glass Management Services, Inc., pursuant to Rule 26(a)(1) and submits the following information:

Witnesses:

____1) Richard A. Glass, Vice President of Glass Management Services, Inc. Mr. Glass was the owner of Project Management Services, Inc. and will testify regarding the Horsehead contracts and expenditures relating to the performance of the contracts.

2) Marty Yanik, 330-716-2801. Mr. Yanik resides in Boardman, Ohio. Mr. Yanik was Project Management Services' sales manager for the Horsehead accounts and will testify regarding the negotiation for the Horsehead accounts. Mr. Yanik will also testify regarding the alleged breach of any of the Horsehead contracts and conditions on the work sites.

3) Brandon Gray. Mr. Gray was the Project Management Services' site manager for the Chicago, Illinois site. Plaintiff is not in possession of any contact information regarding Mr. Gray.

4) Michael Maronen, 409-499-5577, residing in Texas. Mr. Maronen will testify as the site manager for the Palmerton, Pennsylvania, site.

5) Danny Mize, currently residing in Butler, Pennsylvania, with no known contact information. Mr. Mize will testify as the

site manager of the Rockwood, Tennessee, site.

6) Joyce McConnell, residing in Girard, Ohio, was the office manager for Project Management Services and maintained the payroll records and checking account records for Project Management Services.

7) David Price, 330-565-5204, residing in Girard, Ohio. Mr. Price is an employee of ERACO and negotiated the sale of Project Management service, Project Management Transportation, Industrial Payroll Services, and Ohio Industrial leasing to Inland Management. Mr. Price also performed appraisals and evaluations on the four companies and will testify re: appraisals, value of the Horsehead accounts, and due diligence.

8) William Rupnick, 330-716-2802, residing in Hermitage, Pennsylvania. Mr. Rupnick will testify regarding the evaluation of Project Management Services before its sale to Inland Management.

Documents:

Mr. Glass is in possession of all receipts, vehicle titles, time sheets for all employees working on each job site, receipts for moving expenses of all employees, all paperwork regarding the OSHA violation alleged in the complaint. All due diligence information is in possession of Mr. Price.

Computation of Damages:

_____Plaintiff claims damages incidental to all of its performance measures on the contract. The plaintiff claims \$75,000 for moving its employees to the three job sites. Plaintiff claims damages for the purchase of two new vacuum trucks for the purchase price of \$200,000 each; one used vacuum truck for the purchase price of

\$175,000; a vacuum sweeper truck for the purchase price of \$125,000; and five (5) dump trucks for the total purchase price of \$150,000. Plaintiff also claims damages for the United States Occupational Health and Safety Administration's citation and subsequent fine of \$90,000 for conditions put in place by Horsehead Corporation. Plaintiff claims special damages in the amount of \$12,000 for the purchase and rental of a special shower trailer unit for the Chicago, Illinois, location. Finally, the plaintiff claims consequential damages flowing from the breach of contract for the devaluation of Project Management Services in its negotiation and sale to Inland Management, Inc. If the plaintiff had been performing the contracts with Horsehead, the plaintiff's business would have been valued at nearly \$1,000,000 more than the purchase price.

Respectfully submitted,

s/ Marshall D. Buck

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CERTIFICATION

I hereby certify that on September 28, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be serviced by regular U.S. Mail.

This case has not yet been assigned to a case management track by this Court and no page limits for motions pursuant to Loc.R. 7.1(f) have been assigned.

s/ Marshall D. Buck
MARSHALL D. BUCK (0009115)
MEGAN M. GRAFF (0083826)
ATTORNEY FOR PLAINTIFF